

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

**Please note: All articles are available in the attached PDF.*

**To receive the Daily News Digest in your inbox, email R6Press@epa.gov.*

**Daily News Digest is for the informational use of EPA Region 6 employees. Please do not distribute further.*

National

1- U.N. talks limp to a close with no deal on carbon trading, E&E News, 12/16/19

<https://www.eenews.net/stories/1061822289>

More than two weeks of U.N. climate talks ended yesterday with little headway on a key issue related to the Paris climate accord — an impasse that frustrated both activists and negotiators, and one that raised fresh worries about the future of the planet.

2 – A 'forever chemical' contaminates drinking water near military bases, NBC News, 12/16/19

<https://www.nbcnews.com/health/cancer/forever-chemical-poisons-drinking-water-near-military-bases-n1101736>

Often referred to as "forever chemicals," because they do not degrade in the environment, PFAS have been linked to various medical conditions and cancers in humans and animals, including kidney and testicular cancer, thyroid disease, and effects on the immune system, among others.

3 - Trump's potty talk highlights flushing fight, E&E News, 12/13/19

<https://www.eenews.net/greenwire/2019/12/13/stories/1061801903>

WaterSense is not a regulatory program but rather a voluntary labeling initiative meant to aid consumers looking for options. Federally mandated maximum volumes of 1.6 gallons per flush were codified by Congress in 1992, and the Department of Energy is responsible for those regulations.

4 – EPA Appeals Court Order Regarding Landfill Emissions Plan, Waste 360, 12/13/19

<https://www.waste360.com/legal/epa-appeals-court-order-regarding-landfill-emissions-plan>

The U.S. Environmental Protection Agency (EPA) is appealing a court order that denies the agency additional time to release an already overdue plan to limit municipal landfill emissions, Bloomberg Environment reports. In a December 10 appeal, EPA asked the U.S. Court of Appeals for the Ninth District to review why its request was denied.

5 – Leaders set to release end-of-year deal today, E&E News, 12/16/19

<https://www.eenews.net/eedaily/2019/12/16/stories/1061822795>

House and Senate negotiators have abandoned efforts to include drinking water standards for the class of chemicals known as PFAS in the year-end spending deal, which is expected to be announced today.

6 – Sierra Club Ponders High Court Review of EPA Air Quality Tweaks, Bloomberg Environment, 12/13/19

<https://news.bloombergenvironment.com/environment-and-energy/sierra-club-ponders-high-court-review-of-epa-air-quality-tweaks>

The Sierra Club asked the Supreme Court for two more months to decide whether to challenge a federal appeals court ruling that limited public comment opportunities for changes the EPA made to states' plans to monitor air quality.

Texas

7 – 19-year-old man arrested in connection with Houston mercury spills, NBC News, 12/16/19

<https://www.nbcnews.com/news/us-news/man-questioned-connection-houston-mercury-spills-n1102581>

A teen was arrested Monday in connection with mercury spills at three Houston businesses that led to one hospitalization, according to authorities.

8 – EPA turns over response and cleanup to the state following TPC explosions in Port Neches, KFDM, 12/13/19

<https://kfdm.com/news/local/epa-turns-over-response-and-cleanup-to-tceq-following-tpc-explosions-in-port-neches>

U.S. Environmental Protection Agency is transitioning response and cleanup oversight to the Texas Commission on Environmental Quality effective Friday, December 13, 2019.

Oklahoma

9 – Will oil field wastewater be used for irrigation (or other purposes) in Oklahoma?, Tulsa World, 12/15/19

https://www.tulsaworld.com/news/local/will-oil-field-wastewater-be-used-for-irrigation-or-other/article_52af70d8-a186-5d9a-bab3-50fe916bc8b6.html

The state of Oklahoma could gain approval from the Environmental Protection Agency to issue permits that would allow oil producers to dispose of oil field production water in above-ground waterways. But it shouldn't be a reality for years to come.

10 – Hiland recognized for energy-saving efforts, Norman Transcript, 12/15/19

https://www.normantranscript.com/news/business/hiland-recognized-for-energy-saving-efforts/article_996f65f9-7de6-58d9-87e2-78599390d395.html

Hiland Dairy Foods in Norman is actively reducing its carbon footprint. Steven Boydston, Hiland Dairy Foods plant manager, said the company is participating in Oklahoma Gas & Electric's free Continuous Energy Improvement program, which incentivizes businesses to reduce electrical usage.

New Mexico

11 – Ensuring a clean environment for all, Albuquerque Journal, 12/15/19

<https://www.abqjournal.com/1401419/ensuring-a-clean-environment-for-all.html>

Environmental contamination in New Mexico has long had disproportionate effects on low-income and minority communities. Fallout from nuclear weapons testing and uranium mining continues to harm the state's indigenous population. A recent University of New Mexico study showed a quarter of Navajo women tested had elevated levels of uranium in their blood.

12 – CEO of mining company attends Pecos meeting, Santa Fe Reporter, 12/15/19

<https://www.sfreporter.com/news/2019/12/13/ceo-of-mining-company-attends-pecos-meeting/>

The mysterious Australian mining company that's pushing for permits to begin prospecting for precious metals in an area just outside the Pecos Wilderness has finally revealed its human face.

Louisiana

13 – 'The whole block shook': Explosion at S&WB power plant frightens neighbors, shuts down a turbine, New Orleans Times-Picayune, 12/15/19

https://www.nola.com/news/article_77541ebe-1ed9-11ea-92c3-97d6aa342669.html

Dette LeBlanc, 61, was walking home when her block blew up. Or so she thought. It came to her first as an unbelievably loud noise — “a big ol’ explosion.” Then she looked up and saw black smoke coming from the massive exhaust stack of Turbine No. 5 at the New Orleans Sewerage & Water Board's power plant on South Claiborne Avenue.

14 – As council chair promises final vote on Ascension Sewer, squabbling emerges about negotiations, Baton Rouge Advocate, 12/13/19

https://www.theadvocate.com/baton_rouge/news/communities/ascension/article_c5193d66-1dc4-11ea-a350-87b078232a32.html

The Ascension Parish Council's leadership has finished negotiating a 30-year sewer concession and plans a binding vote Monday, over the objections of the incoming parish president who says council leaders backed out on their promise to let him work on the agreement.

COP 25

U.N. talks limp to a close with no deal on carbon trading

Jean Chemnick, E&E News reporter • Climateswire: Monday, December 16, 2019



An activist holds a broken globe in protest as U.N. climate talks in Madrid neared their end. They concluded over the weekend with a major piece of the negotiations unresolved. Brian G. Rouso/Soi Images/Sip/Newscom

MADRID — More than two weeks of U.N. climate talks ended yesterday with little headway on a key issue related to the Paris climate accord — an impasse that frustrated both activists and negotiators, and one that raised fresh worries about the future of the planet.

The breakdown occurred even after negotiators worked more than 40 hours past the official close of the talks to try to reach a resolution. But the long hours and sleepless nights didn't yield agreement on the last piece of the Paris Agreement's rulebook: guidelines for how international carbon markets would serve the 2015 climate deal.

Much of the blame fell on the Chilean delegation, which led the talks. The Chilean presidency was criticized for failing to balance the needs of different negotiating groups and for a process that ran perpetually behind. Another gripe: a failure to build consensus on key issues like carbon trading, even as the second week of negotiations wore on.

"It just doesn't feel like a place where people are trying to solve things," one senior negotiator told E&E News, as the talks went into overtime Friday.

The lethargy of the negotiations contrasted sharply with the passion of protesters who filled the streets of Madrid in the hundreds of thousands at the end of the conference's first week. And it felt disconnected from youth activists led by Sweden's Greta Thunberg, and from indigenous, human rights and science advocates who besieged the conference venue demanding action in line with an emergency.

A protest Wednesday led to the ejection of 200 people from the U.N. conference, nicknamed COP 25.

The biggest stumbling block centered on Article 6 of the Paris Agreement, which deals with carbon trading and offsets. This was the last piece of the deal's rulebook that largely was put to bed a year ago in Katowice, Poland.

Talks stalled here as countries dug into positions they've held since Paris on the best way to ensure environmental integrity and what credits should qualify to be bought and sold on a new multinational emissions market. In the end, the Conference of the Parties moved to give itself six more months to iron out those differences, delaying a decision to a June meeting in Bonn, Germany.

The battle over carbon markets divided the conference even after participants reach agreement on other thorny issues like next steps on a mechanism to help poor countries.

On one side: an alliance composed of small island states, less developed countries, the European Union and several Latin American nations, including Chile.

On the other side: major developing nations, led by Brazil. Their goal was to help their private sectors sell carbon credits left over from the expiring Clean Development Mechanism (CDM) of the Kyoto Protocol on the

Paris Agreement's future carbon market.

In addition, Brazil wanted an exemption to Paris' rules for double counting that would have allowed a country to count emissions from mitigation projects toward its own nationally determined contribution to Paris — even after it had sold it.

The South American giant was alone in holding that position, but as talks went into overtime Friday, the U.S. delegation approached Brazil to broker a compromise that would have limited double counting but in return given developing countries a transition period during which they could sell pre-2020 CDM credits on the Paris market.

According to one estimate, the move would have pumped hundreds of millions of extra tons of CO2 into the atmosphere, allowed countries and corporations to underperform their Paris targets, and contributed an additional 0.01 degree Celsius to global warming.

When the COP presidency released text Saturday morning that proposed this trade-off, it encountered immediate pushback.

The situation wasn't helped, either, when the Chilean COP presidency tried to forge a deal Saturday night on Article 6 but didn't invite a number of players, including African nations and progressive Latin American countries.

COP President Carolina Schmidt later apologized for the exclusions and promised a more transparent process, but the damage was done. Talks that went all night Saturday failed to produce a compromise.

The Chilean COP presidency got low marks throughout from environmentalists for proposing texts that gave away too much to Brazil and its allies, and for seeming to give short shrift to vulnerable countries.

"The Chilean presidency had one job: Protect the integrity of the Paris Agreement and not allow it to be torn apart by cynicism and greed," said Jennifer Morgan, co-executive director of Greenpeace International, after the presidency released a draft text of Article 6 Saturday that included concessions for major emitting countries. "The approach Chile has taken ... has shown how it has listened to the polluters and not to the people."

The COP did approve language that "recalls" that Paris commitments are intended to "represent a progression" toward stronger ambition over time.

Environmentalists called the result weak, but it at least hinted at the hope that parties will turn in stronger pledges ahead of next year's talks in Glasgow, Scotland.

Bill Hare of Climate Analytics said this year was a sign that the loss of U.S. climate leadership under President Trump has affected other countries' willingness to take decisive action.

"One of the big political dynamics here is China's concern that the U.S. is not in the game," he said. "From the Chinese government's point of view, if the U.S. isn't stepping up ambition, why should it?"

Twitter: [@chemnipot](#) | Email: jchemnick@eenews.net

Like what you see?
We thought you might.

Start a free trial now.

Get access to our comprehensive, daily coverage of energy and environmental politics and policy.

[SIGN UP TODAY!](#)

The essential news for energy & environment professionals

© 1996-2019 Environment & Energy Publishing, LLC [Privacy and Data Practices Policy](#) [Site Map](#) [Contact Us](#)

A 'forever chemical' contaminates drinking water near military bases

Communities nationwide have found levels of PFAS in their water hundreds, sometimes thousands, of times higher than the level recommended by the EPA.



Joanne Stanton and Hope Grosse stand on the former runway at the Naval Air Warfare Center in Warminster, Pa. The women, who grew up near the base, both drank water contaminated by firefighting foam. Hannah Rappleys / NBC News

Dec. 16, 2019, 3:57 AM CST

By Hannah Rappleys, David Douglas and Anne Thompson

WARMINSTER, PA - Hope Grosse and Joanne Stanton have fond memories of the childhood they shared in the Philadelphia suburbs. They spent their days outside playing football, riding bikes and – when the Blue Angels came to town – they watched the skies.

For kids in Horsham and Warminster Townships, that was just one of the perks of growing up near two active military bases. Grosse, who lived across the street from the Naval Air Warfare Center in Warminster, remembers watching, rapt, as Navy personnel torched airplanes during weekly fire drills and doused the flames with a white, bubbly foam.

"We would run up the street as the sirens went off and sit with our fingers in the fence," said Grosse, 55. "It was fun. I don't think we were worried about anything."



Communities near military bases fear drinking water contaminated with 'forever chemical'

DEC. 15, 2019 03:20

But the women share other kinds of memories. Family dogs that grew tumors and died, one after the other. Neighbors and family members, even their own children, diagnosed with serious medical conditions, from thyroid disease to cancer.

Then, in 2014, testing performed by the EPA revealed groundwater near the bases had been contaminated with PFAS, a shorthand term for a family of chemicals called per- and polyfluoroalkyl substances found in a long list of products, including cookware to firefighting foam used by the military.

For Grosse and Stanton, it was like a lightbulb went on.

"You can't tell us that we drank contaminated water for 50 years and that it did nothing, that it didn't have a health impact," Stanton, 54, said.

Often referred to as "forever chemicals," because they do not degrade in the environment, PFAS have been linked to various medical conditions and cancers in humans and animals, including kidney and testicular cancer, thyroid disease, and effects on the immune system, among others.



Water trickles through boards meant to stop runoff from the Willow Grove Naval Air Station Joint Reserve Base into a local creek in Horsham Township, Pa.

Hannah Rappleye / NBC News

The chemicals are not among the 90-odd contaminants regulated by the Environmental Protection Agency under the Safe Drinking Water Act, so federal law does not require water utilities to test for them. But communities nationwide, many near military bases, have discovered levels of PFAS in their water hundreds, sometimes thousands, of times higher than the advisory level recommended by the agency.

As required by federal law, the Department of Defense has, and continues to, conduct cleanup actions at sites where PFAS was found, said Chuck Prichard, spokesperson for the DOD.

"The Department remains committed to the health and safety of our men and women in uniform, their families, and the communities in which we serve," he added.

But overall federal response to the contamination problem has been slow, said Linda Birnbaum, former director of the National Institute of Environmental Health Sciences, a division of the National Institutes of Health.

Early this year, the EPA announced its plan to address PFAS contamination, including proposing regulatory determinations for two of the most common PFAS chemicals. This month, Congress dropped several key provisions from the National Defense Authorization Act that would have forced tighter regulation and cleanup of the chemicals.

"We see effects on liver, kidney, development, pregnancy, heart," Birnbaum said. "I think that's where many people are frustrated. Where there's pretty much growing, and I'd say fairly clear evidence of harm, EPA doesn't have the flexibility to move rapidly."

Stanton agrees.

"We've heard about the action plan of the EPA," Stanton said. "In the meantime, we have millions of people that are drinking water that could be contaminated with a whole host of chemicals. Action is not coming fast enough."

'Guinea pigs'

PFAS is a family of chemicals defined by the presence of one or several carbon-fluorine bonds, the strongest chemical bond in nature. The chemicals, which have a unique ability to repel water, grease and other substances, have been used in a variety of products since the 1940's, including Teflon cookware and Scotchgard. They are also a key ingredient in firefighting foam, used by the DOD since at least the 1970's.

That foam is the suspected source of PFAS contamination discovered on bases and surrounding communities, including at least 401 sites on active and former bases where the chemicals were released or a suspected discharge occurred. The military has launched an effort to clean up the contamination – a task expected to cost about \$2 billion.

According to Prichard, the DOD spokesperson, the foam is “currently the only product that meets military specifications to quickly control fire so that human lives can be saved.”

But, he added, DOD now only uses it to respond to emergency events, and no longer uses it for land-based testing and training. The DOD has also invested in research to develop alternatives that do not contain any form of PFAS.

In Pennsylvania, tests commissioned by the military and performed by the EPA in 2014 revealed widespread PFAS contamination near the Naval Air Station Joint Reserve Base Willow Grove and the Naval Air Warfare Center in Warminster, which was shuttered in 1997 after being declared a Superfund site. One well topped off at 2,740 ppt (parts per trillion) – 39 times the limit of 70 ppt recommended by the EPA. Groundwater near the Willow Grove base was found to have PFAS at 329,500 ppt. Tests of the soil revealed PFAS levels at 98,000 parts per billion.

The contamination affected about 85,000 residents in Bucks and Montgomery counties, where many residents get their water from private wells on their property.

Just like a neighbor down the street, Lori Cervera, 52, was diagnosed with kidney cancer in 2014. Shortly after, tests revealed high levels of PFAS in her well. She and her family drank bottled water for two years before the DOD paid to switch her household to public water.

"My kids played in the pool," Cervera said. "When my grandchildren were babies, I made them bottles with it. I'm so worried that it could have harmed my kids."

Lori Cervera sits at home with her dogs in Horsham Township, Pa. Cervera was diagnosed with kidney cancer, shortly before tests revealed PFAS contamination in her well. "Someone needs to be held accountable," she said. "You hear a lot of words, but you've never heard anybody apologize."

Hannah Rappleye / NBC News

Certain types of PFAS have been linked to serious and adverse health effects in humans and animals, including birth defects, some cancers and other conditions, according to medical studies and federal agencies like the CDC.

"The stakes are the life and health of everyone who drinks water," said attorney Mark Cuker. Cuker, who also lives near the bases, represents several local families exposed to PFAS. He has sued the U.S. Navy to compel it to pay for blood testing and medical monitoring of affected residents. "Some people are going to get sick because nothing is being done."

According to reports, the DOD knew of the potential hazards to human health posed by firefighting foam since at least the 1990s. Records uncovered during litigation show that chemical companies that manufactured PFAS, including 3M and DuPont, were also aware early on of the danger.

"It's pretty much that we were guinea pigs," Cervera said. "It was, 'Let's see what happens.'"

As it has elsewhere across the country, the DOD has made local remediation efforts, including providing filters, funding public water hookups for some well owners, and monitoring public and private water sources, among other actions. It also established a task force dedicated to the issue.

According to the DOD's Prichard, after performing inspections of sites with known or suspected releases of PFAS, the department took "quick action to address drinking water" and lower PFAS concentrations below 70 ppt, the non-enforceable advisory level set by the EPA.

But in order to fill the gap, local officials were forced to embark on a multi-million dollar effort, funded by state grants and surcharges paid by residents, to remove all traces of PFAS from the drinking water.

In response, Grosse and Stanton founded the Buxmont Coalition for Safer Water, a grassroots organization pushing for cleanup and monitoring of residents who, they say, continue to cope with the exposure.

Runoff from the Willow Grove base still seeps into creeks. Residents fish in a pond that was once filled with white foam. Initial tests of a small number of residents – about 200 – found high levels of PFAS in the bloodstream of those who lived near the base. The military paid to connect households to public water if they had contamination above the EPA's advisory level. But some homes had less, and so were not eligible for military cleanup.

There are also the tragedies that hit their own families. Months after Grosse's father died from cancer, she was diagnosed with Stage 4 melanoma. Her daughter was born without a set of adult teeth.

Hope Grosse and Joanne Stanton stand above a waterfall in Graeme Park in Horsham Township, Pa., where firefighting foam used on a local military base once spilled into the water. The foam, used by the military since the 1970's, contains PFAS, a family of chemicals that do not degrade in the environment.

Hannah Rappleye / NBC News

"When we first started this battle, I wanted recourse for myself," Grosse said. "I will never have recourse for myself. I want clean water for my grandchildren."

Stanton's son was diagnosed with a brain tumor at six years old. A few days after surgery, she says, the doctor started asking questions.

"Where do you live," Stanton said. "Where did you grow up? Did you or your husband ever use or work with chemicals or pesticides? Where was your early pregnancy?"

"The guilt is overwhelming, just that the possibility exists that my exposure may have caused my child's cancer," she added. "And it angers me to no end."

'It's their job'

This year, legislators included several PFAS-related provisions in the National Defense Authorization Act, which specifies the Department of Defense's annual expenditures.

Among them were provisions requiring water utilities to reduce the amount of PFAS in tap water under the Safe Drinking Water Act, along with the designation of PFAS as a toxic substance under the Superfund law. That would have required cleanup, including by the Department of Defense, of the most contaminated sites.

But this month, those were struck from the final versions of the NDAA, leaving behind only a few other PFAS-related regulations. The final bill phases out the military's use of PFAS in firefighting foam, and expands required reporting of PFAS discharges.

"When your water is polluted with toxic PFAS, it's not much comfort to know who is polluting it," said Scott Faber, senior vice president for government affairs at the Environmental Working Group. "Communities desperately need Congress to tackle industrial PFAS releases into the air and water and to require DOD to clean up legacy PFAS pollution."

Brendan Boyle grew up in Warminster, Pa., where testing revealed high levels of PFAS in the drinking water supply. The chemicals have been linked to adverse health effects in humans and animals. "It's affected the people that lived there, as well as the offspring of people that lived there," he said.

Hannah Rappleye / NBC News

This month, the federal government announced the launch of a multi-site study to investigate the correlation between exposure to PFAS-contaminated drinking water and health. Montgomery County, Pennsylvania, is one of 10 chosen sites.

The EPA is moving to implement various aspects of its action plan, including setting a Maximum Contaminant Level (MCL) for PFAS, which would require utilities to test for the chemicals and remediate contaminated water. Draft regulatory determinations for an MCL are not likely to be released for public comment until early next year.

The process, Birnbaum said, could take years.

In the meantime, she said, "I think we need to step back and ask the question, 'Why are we making chemicals that will never go away?'"

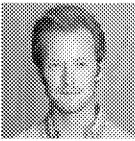
Stanton says neither her community, nor the rest of the country, can afford to wait.

"It is their job to regulate chemicals," Stanton said. "It is their job to set safe drinking water standards. It is their job to hold polluters accountable, even if the polluter is the Department of Defense."



Hannah Rappleye

Rappleye is a reporter with the Investigative Unit at NBC News, covering immigration, criminal justice and human rights issues.



David Douglas

David Douglas is an NBC News producer based in Los Angeles.



Anne Thompson

Anne Thompson is NBC News' chief environmental affairs correspondent.



[ABOUT](#)

[CONTACT](#)

[CAREERS](#)

[PRIVACY POLICY](#) · [NEW](#)

[DO NOT SELL MY PERSONAL INFORMATION](#)

[TERMS OF SERVICE](#)

[NBCNEWS.COM SITE MAP](#)

[ADVERTISE](#)

© 2019 NBC UNIVERSAL

[5% NEWS](#)

[#K MONRO](#)

[#STODAY](#)

WATER POLICY

Trump's potty talk highlights flushing fight

Ariel Wittenberg, E&E News reporter • Published: Friday, December 13, 2018



President Trump's complaints last week about low-flow toilets went viral on Twitter. [Photo](#)

When it comes to testing toilets, it turns out the appropriate substitute for human feces is miso paste. That's what EPA uses to ensure that commodes earning its WaterSense efficiency label flush effectively.

To earn the label, tank-type toilets currently must use 1.28 gallons or less of water per flush while eliminating 350 grams of miso paste, along with toilet paper.

That may be news to President Trump, who last week complained that low-flow toilets were not getting the job done, so "people are flushing toilets 10 times, 15 times, as opposed to once."

"They end up using more water," he said, before suggesting that EPA is looking "very strongly" at "opening up the standard."

Exactly what the president meant is unclear. But his comments do highlight an ongoing debate between municipalities and the plumbing industry over whether WaterSense should tighten its criteria to ensure more human waste goes with the flow.

WaterSense is not a regulatory program but rather a voluntary labeling initiative meant to aid consumers looking for options. Federally mandated maximum volumes of 1.6 gallons per flush were codified by Congress in 1992, and the Department of Energy is responsible for those regulations.

EPA spokesman Michael Abboud said the agency is working with "all federal partners" to review how programs under the federal energy management plan interact "to ensure American consumers have more choice when purchasing water products."

The WaterSense program this year studied whether to reopen its standards for toilets, along with faucets, showerheads, flushing urinals and weather-based irrigation controllers, after Congress asked for reevaluation of specifications set prior to 2012.

The miso paste 'performance score'

The agency will decide which standards — if any — to reconsider by the end of the year, and the effort has sparked some debate over what a flush should be able to accomplish.

While federally mandated water efficiency standards don't take flush success into account, EPA's WaterSense program, meant to help consumers make decisions, does.

WaterSense's lead engineer, Stephanie Tanner, explained in a webinar this spring that the program's label is meant to help consumers interested in water efficient products find those that perform well and take the plunge.

"The people we are targeting are early-ish adopters, but not the earliest adopters," she said. "They are looking to make a change in their products or looking for efficiency or better performance but aren't quite sure how to do that, and we use the label to help them identify the product they are interested in and make that positive choice in the marketplace."

In other words, no one wants a toilet that uses so little water it needs to be flushed multiple times.

Enter the miso paste "performance score." The traditional Japanese seasoning, described by WaterSense documents as "a test media having similar physical properties to human waste," is actually the industry-accepted stand-in for feces. It was selected after years of trying other options that once included pingpong balls, said Ed Osann, director of national water use efficiency at the Natural Resources Defense Council.

Already, there are a number of WaterSense-labeled products on the market that exceed its 350-gram clearance requirement. Of the 3,400 toilet models that have earned the label, nearly two-thirds can clear 600 grams or greater, and more than half of those achieved the "maximum allowable score of 1,000 grams."

Because of this, some water utilities are asking EPA to make the criteria more selective, arguing that doing so will ensure the program doesn't become obsolete.

Georgia is one of six states that already require toilets to use less water than WaterSense. The standard there is 1.2 gallons per flush, and the water utility serving greater Atlanta wants EPA to lower WaterSense specifications to 1.1 gallons or less.

The Metropolitan North Georgia Water Planning District said it's seen a small but growing percentage of customers using toilets that achieve that level of water efficiency, and some that use as little as 0.8 gallon per flush.

"Based on customer calls that come into the district's toilet rebate call center, we generally hear positive feedback and extremely few complaints from customers," the utility wrote EPA this spring. "To reduce even these few complaints, we support revising the performance criteria to require tank-type toilets to clear a larger quantity of waste and/or toilet paper."

What's in a flush?

But Plumbing Manufacturers International opposes that idea and says waste elimination is not the No. 1 reason people flush more than once. It's actually No. 2.

That's according to a 1999 customer survey done by the Metropolitan Water District of Southern California that examined "the root causes of double flushing."

Clearing "bulk waste" was only a factor 21% of the time. The leading cause of extra flushes, coming in at 47%, was "bowl cleanliness."

"Any requirement above 350 grams does not necessarily make the extraction of solid waste more efficient or effective, but instead may encourage manufacturers to focus unduly on waste extraction," the trade group wrote EPA this spring.

Bowl cleanliness and "light waste" removal require "fluid dynamic design considerations" on commodes, PMI wrote, meaning "increasing the gram requirement could result in products that are less effective in meeting consumer needs, not more effective."

Stan Meiburg, who served at EPA for 39 years, most recently as acting deputy administrator, noted that municipalities stand to gain a lot from more effective, efficient toilets because saving water saves energy.

WaterSense has saved 2.7 trillion gallons of water since 2006, which translates into \$63 billion in consumer savings on water and energy bills, according to EPA.

Plumbing manufacturers, on the other hand, might have to completely redesign their products to achieve WaterSense's goals.

"If you just use a toilet that's originally designed at 7 gallons and try to make it work on 1.6, sure it won't work as well," Meiburg said. "But when you redesign the toilets and the trap ways and the flush valve where the water leaves the tank, you redesign it to work better on less water, and it does."

Osann, at NRDC, said that while he's sympathetic to the logic that "there are many reasons people flush more than once," the plumbing industry is likely just trying to maintain the status quo.

He praised the industry for making so many strides since the 1990s and said the progress is one reason "the president's comments last week just don't ring true."

"If you think about it, the bowl brush and the plunger were invented long before the 1.28-gallon toilet," he said.

Twitter: [@arielawittenberg](#) | Email: awittenberg@enrnews.net

The essential news for energy & environment professionals

© 1998-2019 Environment & Energy Publishing, LLC [Privacy and Data Practices Policy](#) [Site Map](#) [Contact Us](#)

NEED TO KNOW



EPA Appeals Court Order Regarding Landfill Emissions Plan

EPA is appealing a court order that denies the agency additional time to release an already overdue plan to limit municipal landfill emissions.

Waste360 Staff | Dec 13, 2019

The U.S. Environmental Protection Agency (EPA) is appealing a court order that denies the agency additional time to release an already overdue plan to limit municipal landfill emissions , *Bloomberg Environment* reports.

In a December 10 appeal, EPA asked the U.S. Court of Appeals for the Ninth District to review why its request was denied. The deadline for the federal plan on greenhouse gases generated by landfills was November 6.

Plaintiffs claim that EPA's motion for a stay pending a (possible) appeal should be denied: "EPA is likely to fail on the merits of its appeal, and the equities tilt sharply in favor of rejecting EPA's bid to continue its years-long campaign to delay—without any persuasive rationale—implementing standards to protect human health and welfare. Indeed, if this Court grants EPA a stay pending appeal, the agency will have every incentive to appeal, to secure the precise delay it has sought all along."

Bloomberg Environment has more information:

The EPA is challenging a court order that won't give the agency more time to release a plan that is already overdue to limit municipal landfill emissions that include methane, a potent greenhouse gas.

In a Dec. 10 petition, the Environmental Protection Agency asked the U.S. Court of Appeals for the Ninth Circuit to review why its request to delay the Nov. 6 deadline to release the final plan was denied.

Read the full story here.

Source URL: <https://www.waste360.com/legal/epa-appeals-court-order-regarding-landfill-emissions-plan>

AGENDA

Leaders set to release end-of-year deal today

Geoff Koss, E&E News reporter • Published: Monday, December 16, 2019



House Speaker Nancy Pelosi (D-Calif.) is planning a packaged agenda for the chamber's last week for this year. Francis Chung/E&E News

House and Senate negotiators have abandoned efforts to include drinking water standards for the class of chemicals known as PFAS in the year-end spending deal, which is expected to be announced today.

The absence of PFAS water standards from the year-end deal marked the second time this month that bicameral talks have come close to bipartisan agreement on possible drinking water standards for per- and polyfluoroalkyl substances.

Weekend negotiations on energy tax extenders also struggled, raising questions about another end-of-year priority for many lawmakers and energy sectors.

With just five days until current spending levels run out, negotiators last night were closing in on an agreement that is expected to be announced today.

A spending deal would resolve all 12 of the annual appropriations bills for fiscal 2020 and would be the vehicle to extend an assortment of lapsed energy tax breaks.

Also on tap this week — the last legislative week of the year: The House is slated to vote on articles of impeachment ([see related story](#)) and the United States-Mexico-Canada Agreement (USMCA), while the Senate is expected to pass the National Defense Authorization Act (NDAA).

But topping the to-do list is completing the appropriations process, which continued last night as negotiators looked to sort out the remaining sticking points.

Last night's collapse on PFAS marked the end for the eleventh-hour push that emerged after a deal to address the ubiquitous class of chemicals fell apart in NDAA negotiations earlier this month ([E&E Daily](#), Dec. 13).

Those talks centered around a provision dropped from the NDAA that would have required EPA to set a national drinking water standard on two of the chemicals within two years.

Rep. John Shimkus (R-Ill.), a senior member of the House Energy and Commerce Committee, lamented the lack of a year-end agreement.

"I'm disappointed that Congress yet again will not require EPA to set a drinking water standard for any PFAS in the year-end spending deal, just as we failed to do so in NDAA," Shimkus said in a statement.

"More progress could have been made toward protecting public health if my friends who opposed these provisions would not continue allowing their perfect to be the enemy of everyone's good."

Tax wrangling

Separate negotiations this weekend focused on resolving a host of lingering tax issues, including the lapsed or soon-to-expire energy tax breaks known as extenders.

Sources on and off Capitol Hill said this weekend that the scope of the package continued to be a sticking point, with the White House resistant to Democratic requests for an expansion of the electric vehicle tax credit and extensions of key renewable incentives.

The fate of the EV credit is widely seen as linked to a multiyear phaseout of the biodiesel tax credit that is a top priority for Senate Finance Chairman Chuck Grassley.

The Iowa Republican took to Twitter over the weekend to complain that he had been shut out of talks between House Speaker Nancy Pelosi (D-Calif.) and Treasury Secretary Steven Mnuchin.

"Rumors going around abt negotiations going on between Pelosi Mnuchin and White House on tax policy that detrimental to farmers that this Chr of Finance has not had input. The President loves farmers and I remind Mnuchin of that," Grassley wrote Saturday, tagging President Trump.

A rumored backup "skinny" extenders package would simply extend the current assortment of credits, which include efficiency, biofuels and alternative vehicle incentives, through the end of 2020, with 2018 and 2019 retroactively added to the code. Any year-end tax deal is expected to be added to the omnibus spending measure.

An additional hurdle for lawmakers anxious to get home for the holidays is the unresolved fate of coal miners' pensions (*E&E Daily*, Dec. 5).

West Virginia Democratic Sen. Joe Manchin has repeatedly said for weeks he will block votes on anything until the pensions are rescued.

"Anything and everything, even if we have [to] stay here until Christmas, New Year's or whatever," Manchin said last week about blocking unanimous consent to bring up bills before the end-of-year recess.

"We've been making promises to all these thousands of people who built this country, and they're going to walk out of here thinking we are going to do extenders and all the things they want to do and leave miners high and dry?" Manchin said.

"That's not going to happen."

USMCA

While the landmark successor treaty to the North American Free Trade Agreement appeared on a glide path to a successful House vote this week, the deal hit some turbulence over the weekend.

Politico reported yesterday that Mexico's top trade negotiator flew to Washington, D.C., to complain about provisions in the USMCA implementing legislation that would allow U.S. officials to continually monitor labor standards south of the border.

The dispute centers on the enhanced enforcement of labor that House Democrats declared victory over when the USMCA deal was announced last week.

Lawmakers will have the chance to make changes to the deal tomorrow, when the Ways and Means Committee marks up the implementing bill.

The full House is expected to approve the bill with bipartisan support before the end of the week, despite the opposition of major environmental groups (*E&E News PM*, Dec. 13).

The Senate is likely to vote on the trade pact next year after Trump's impeachment trial.

Schedule: The markup is Tuesday, Dec. 17, at 10 a.m. in 1100 Longworth.

Reporters Jeremy Dillon, George Cahlink and Timothy Cama contributed.

Twitter: @geofkoss | Email: gkoss@eenews.net

The essential news for energy & environment professionals

© 1996-2019 Environment & Energy Publishing, LLC [Privacy and Data Practices Policy](#) [Site Map](#) [Contact Us](#)

Environment & Energy Report

Sierra Club Ponders High Court Review of EPA Air Quality Tweaks

By Amena H. Saiyid

Dec. 13, 2019, 11:43 AM

-
- Group claims EPA's 2016 update to monitoring rule limited public input
 - Appeals court rejected the group's challenge
-

The Sierra Club asked the Supreme Court for two more months to decide whether to challenge a federal appeals court ruling that limited public comment opportunities for changes the EPA made to states' plans to monitor air quality.

The nonprofit group asked the Supreme Court to give it until Feb. 14 to decide whether it should petition for review of a May 31 decision from the U.S. Court of Appeals for the District of Columbia Circuit.

The appeals court rejected the group's challenge to Environmental Protection Agency changes to an air quality monitoring rule. The court said the petition was untimely, and the Sierra Club didn't document evidence of any harm to its members.

The three-judge D.C. Circuit panel held that the group's challenge was aimed at changes that "did no more than echo a prior EPA regulation" dating back to 2005. And the time for filing a petition on the prior regulation had long since passed.

The EPA's 2016 revised rule (RIN 2060-AS00) gave the public 30 days to comment on a state's air quality monitoring plan before it heads to the agency for approval. In the rule's previous iteration, if a state hadn't given the public a chance to comment on its air monitoring program, the EPA would provide that opportunity before approving the plan.

"We believe it is important for the public to comment on where air quality monitors are placed," Seth Johnson, a Clean Air Act attorney with Earthjustice, told Bloomberg Environment Dec. 13. Earthjustice is a legal nonprofit that represented the Sierra Club in this case.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Environment is operated by entities controlled by Michael Bloomberg.

The case is *Sierra Club v. EPA*, U.S., No. 19A662, 12/6/19.

To contact the reporter on this story: Amena H. Saiyid in Washington at asaiyid@bloombergenvironment.com

To contact the editors responsible for this story: Gregory Henderson at ghenderson@bloombergenvironment.com; Anna Yukhananov at ayukhananov@bloombergenvironment.com

© 2019 The Bureau of National Affairs, Inc. All Rights Reserved

[TOP](#)

[SUPPORT](#)

[My Account](#)

[Help](#)

[Environment & Energy Report](#)

[Terms of Service](#)

[Copyright](#)

[Privacy Policy](#)

[Accessibility](#)

Copyright© 2019 The Bureau of National Affairs, Inc. All Rights Reserved



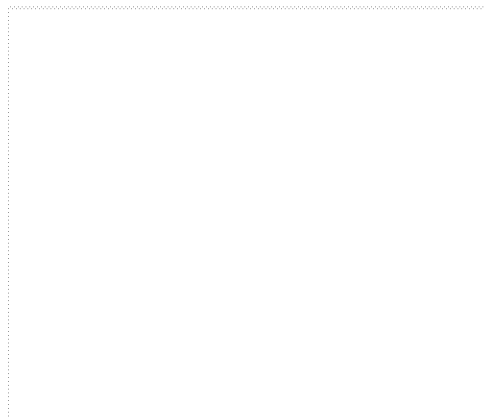
Video: KHOU 11

FBI: 19-year-old man charged after mercury spill in west Houston

The FBI says the suspect is facing multiple charges for Sunday's three spills which were all reported in the same area.

BREAKING UPDATE AT 8:52 a.m.: Christopher Lee Melder, 19, has been arrested & charged with Battery on a Child, Unlawful Disposal of Hazardous Material, and an outstanding felony drug possession warrant, according to the FBI.

Check back for updates to this developing story. Previous story follows:



HOUSTON — A person was taken into custody for questioning over Sunday's [mercury spill in west Houston](#), the Federal Bureau of Investigation's field office in Houston said on Monday.

The FBI tweeted the individual is not being identified at this time because charges have not been filed in the case.

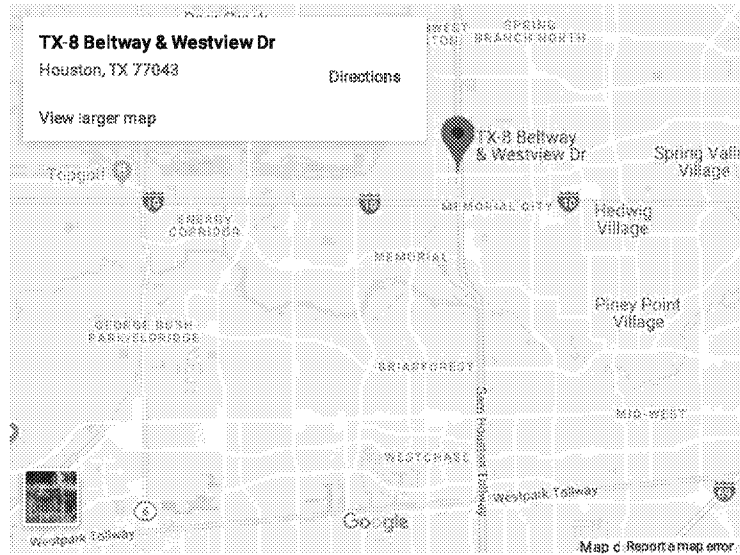
RELATED: [Officials: Amount of mercury 'minimal' after spill in west Houston, no threat to public](#)

Officials on Sunday said a "small amount" of the chemical spilled around 1 p.m. at a Walmart, a Son Shell station near the intersection of Beltway 8 and Westview Drive. Houston Fire Chief Sam Pent amount of mercury at each location is less than a pint.

Up to 60 people were processed for decontamination, including one pregnant woman who was taken to the hospital as a precaution.



SPONSORED by The Primary Market



What's not clear at this time is if the spill was intentional or accidental.

On Sunday, Houston Police said if the scene was believed to be criminal, the FBI would take the lead.

HPD said on Sunday its investigators were working to determine if the nearby burglary of a warehouse connected to the spill. Fire officials said it appeared the mercury could have fallen off a truck.

FBI Houston
@FBiHouston · 14h

FBI Houston will work with our local first responders to determine whether or not today's mercury spill in 3 separate locations in west Houston was an intentional and criminal act or not.

#HouNews twitter.com/HoustonOEM/status/...

Houston OEM
@HoustonOEM

pscp.tv/w/cMbFGTQyOTlw...

FBI Houston
@FBiHouston

#BREAKING An individual has just been taken in to custody by FBI Houston for questioning in connection with Sunday's mercury spills.

He is not being identified at this time as he is not charged.

@houstonpolice @HoustonOEM #HouNews

47 3:35 AM - Dec 16, 2019

50 people are talking about this

No shelter-in-place was issued, but people were advised to avoid the area while crews worked to spill.

As of 4 a.m. Monday views from Houston TranStar show that a portion of the Beltway 8 frontage remained blocked at Westview. The tollway's mainlanes did not appear to be impacted.

Shortly after the spill was first reported on Sunday, a Houston official incorrectly stated 60,000 gallons of mercury were leaked. It was later determined to be a much smaller amount, however.

ADVERTISEMENT

EPA turns over response and cleanup to the state following TPC

Search Site

by KFDM/Fox 4

Friday, December 13th 2019

AA



EPA turns over response and cleanup to TCEQ following TPC explosions in Port Neches

Dec. 13, 2019 Press release from officials:

U.S. Environmental Protection Agency is transitioning response and cleanup oversight to the Texas Commission on Environmental Quality effective Friday, December 13, 2019.

Port Arthur, Texas – Response efforts continue to focus on activities to secure site equipment and minimize impact to the environment, while preserving the safety of emergency responders and the community.

As the threat of further off-site impact from the incident has been significantly reduced and the focus is stabilizing the on-site equipment, the U.S. Environmental Protection Agency is transitioning response and cleanup oversight to the Texas Commission on Environmental Quality effective Friday, December 13, 2019.

Jefferson County Judge Jeff Branich

BREAKING



Petition filed to legalize recreational marijuana in Oklahoma

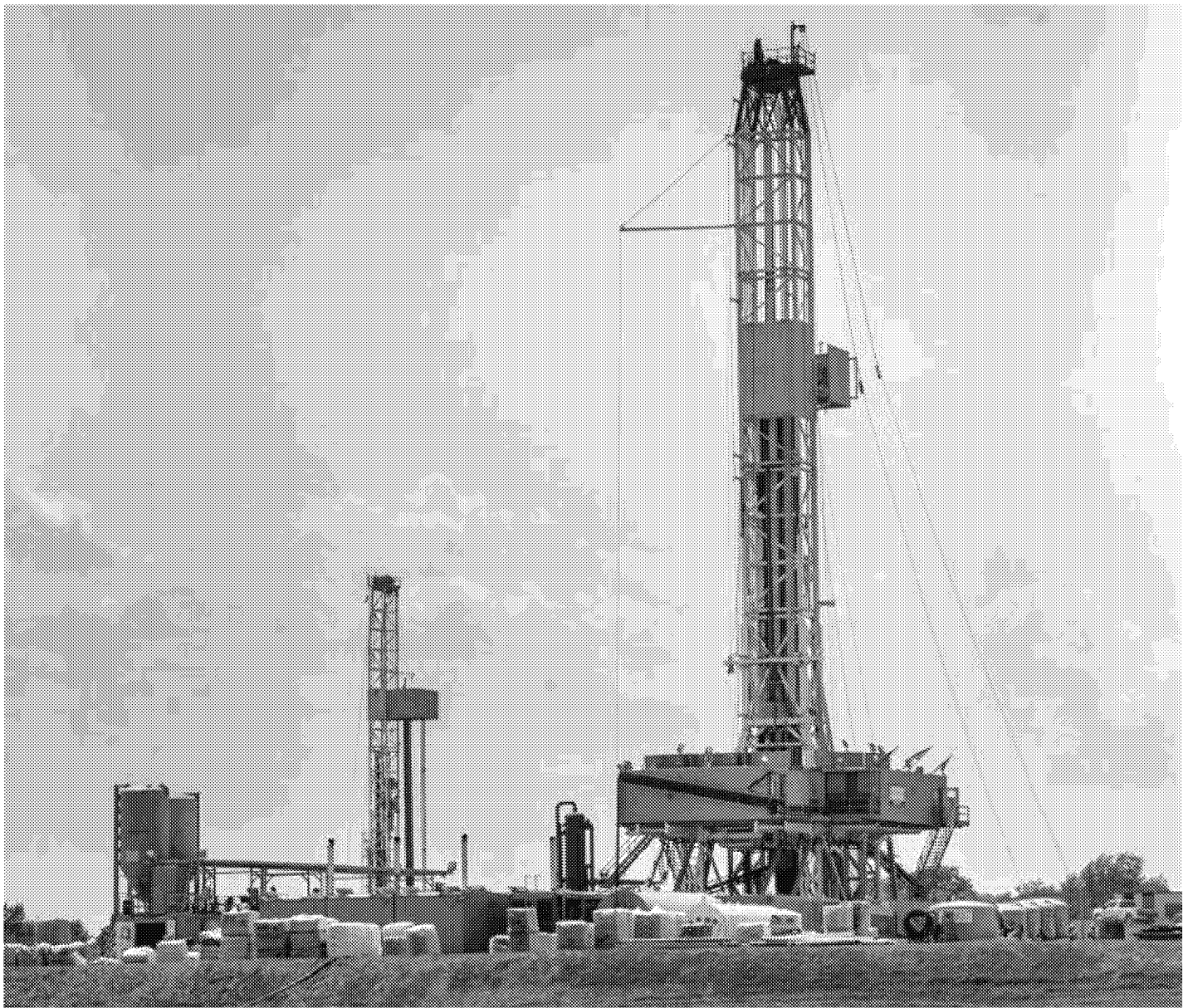
⚠ Weather Alert

Winter Weather Advisory until 6PM CST MON

https://www.tulsaworld.com/news/local/will-oil-field-wastewater-be-used-for-irrigation-or-other/article_52af70d8-a186-5d9a-bab3-50fe916bc8b6.html

Will oil field wastewater be used for irrigation (or other purposes) in Oklahoma?

By Kelly Bostian Tulsa World Dec 15, 2019



Drilling rigs operate near Chickasha in 2018. The Oklahoman file

The Oklahoman

The state of Oklahoma could gain approval from the Environmental Protection Agency to issue permits that would allow oil producers to dispose of oil field production water in above-ground waterways. But it shouldn't be a reality for years to come.

The technology just isn't there yet, according to Kerry Sublette, an industry consultant and professor emeritus in chemical engineering at the University of Tulsa.

The desire to do so isn't there yet, either, according to Shellie Chard, director of the water quality division of the Oklahoma Department of Environmental Quality. While the state may soon gain the authority from the EPA, the expectation that authority will be put

to use is a complete unknown.

“Nothing is preventing companies from applying directly to the EPA now for those permits. They’ve been able to do that since 1972,” Chard said. “What we are doing now is trying to get our ducks in a row so we are ready if and when the industry is ready to treat and discharge produced water.”

No time frame for review of the state’s application has been given, she said.

Oklahomans should make themselves familiar with the idea, however, as this is only the beginning of discussions, she said.

“The technology is advancing quickly,” she said.

Johnson Bridgwater, director of the Oklahoma Chapter of the Sierra Club characterized the issue as “a coming nightmare” and said his group will fight to protect public waters.

“The issue of the disposal of wastewater is far more complicated than simply the problem of toxicity, including the fact that the water in question is known to be radioactive, as has been proven in a similar situation in Pennsylvania,” he said.

The process underway now is the transference of authority to grant permission and regulate the practice from the EPA to Oklahoma’s DEQ, which started with a statutory change in 2017 that granted the agency power to regulate discharges of produced water. Previously no state agency had the authority to regulate the discharge of wastewater generated by the production of oil and gas, she said.

In December 2018, the DEQ applied to the EPA to take over the process. In November, it re-submitted the application after an initial EPA review, Chard said.

Oklahoma is leading the way ahead of Texas and New Mexico in seeking the authority in the Southwest region.

Some permits regarding re-use of production water are in service on native lands in other parts of the country and the state of Wyoming already issues permits for use of production water for agriculture and wildlife uses, Chard said.

Outside Wyoming, most operations with such permits re-use the production water in other oil field or industrial operations, Sublette said.

At the heart of the issue is the chemical makeup of Oklahoma's production water, which comes from underground formations in both standard and hydraulic fracking operations for oil and gas production.

Chard said, at least in the foreseeable future, any state authority would follow federal rules that allow the practice of discharge of production water to the surface only west of the 98th meridian — which means it could apply only in about the western third of Oklahoma.

“West of El Reno, roughly,” she said.

She said that restriction does not mean a centralized facility to treat water from a broad region could not be built east of that line, however.

Chard said the processes to allow releases of production water at ground level would be similar to any other individual industrial wastewater permits, where hundreds of chemicals would have to be analyzed and the permits to release would go through public notice periods.

“It would be a complex permitting process similar to other major industrial permits. It would be very different from the general permits (DEQ) issues for stormwater construction activities typically in less than a month and commonly within seven days,” she said.

Waters allowed to be released at the surface would have to meet already established state clean water standards on levels on par with any other industry currently in operation across the state, she said. Waters used for irrigation or industrial uses would, likewise, have to meet standards set in any given industry.

Produced water in the Rocky Mountains region might be treated for above-ground uses as its chemical makeup is much less saline and complicated; but that state has had its environmental issues with using produced waters along the way, Sublette said.

He said he is skeptical that treatment processes for large volumes of produced water are anywhere near being capable of handling the high saline content, mineral contents and unknown or undisclosed chemical components in millions of gallons of produced water used in Oklahoma.

Most of what he's seen in other areas is use of treated produced water as a water-saving measure allowing for re-use in fracking operations, he said.

"The attempt there is to simply use less fresh water," he said.

It's a different story for disposal of produced water. At this point, that is done by re-injecting water into the areas where it was extracted and separated from petroleum resources. It also can be injected into other underground sites where it is allowed under Oklahoma Corporation Commission oversight.

“For discharge at the surface, the technology is not there at all, not that can be done economically on that scale. I don’t see it,” Sublette said. “That doesn’t mean it can’t happen some time in the future; but right now, I just don’t see it. I’m skeptical.”

Another issue is that additives used in fracking operations are proprietary information, so the treatment puzzle becomes even more complicated, Sublette said.

“How do you treat with variable compositions with elements you don’t know exist unless you test for them? That’s very expensive,” he said.

Even if the water is purified, there are byproducts to be handled, including what could be tons of salt.

Chard said companies have explored creating markets to make processes more economically viable, such as sale of the salt or extracted iodine or boron.

But Oklahoma has issues with re-injection of produced water underground that could force a look at other methods.

A mysterious flow at ground level is underway in Kingfisher County, where several wells have been shut down or ordered to drop pressures in their re-injection operations. And, of course, there are the fracking-related earthquakes.

“We had the induced seismicity issues, earthquakes, and the Corporation Commission has taken action to reduce volumes and pressures to eliminate or slow down the number and magnitude of those earthquakes,” Chard said.

At the same time, Oklahoma experiences periods of high rainfall and years of drought. And if a company is faced with the prospect of having to pump and truck millions of gallons of water, then the possibility of using some advanced technology could come into play, especially if a company can develop a secondary market for the extracted salts or other minerals, she said.

Chard quoted former state Secretary of Energy and Environment Michael Teague on the process of moving forward even with an unknown time frame or possibility.

“He would frequently say we have a 10-year problem that we need to solve; and if we don’t start working on it now, in 10 years, we will still have a 10-year problem,” Chard said. “We can’t wait until we know all the answers to start working to solve the problem.”

Featured video



Kelly Bostian 918-581-8357

https://www.normantranscript.com/news/business/hiland-recognized-for-energy-saving-efforts/article_996f65f9-7de6-58d9-87e2-78599390d395.html

EDITOR'S PICK

ALERT

Hiland recognized for energy-saving efforts

By Jamie Berry | Transcript Staff Writer Dec 15, 2019

1 of 2



Photo Provided

Shown is Hiland Dairy Foods' gallon filler in operation.



Hiland Dairy Foods in Norman is actively reducing its carbon footprint.

Steven Boydston, Hiland Dairy Foods plant manager, said the company is participating in Oklahoma Gas & Electric's free Continuous Energy Improvement program, which incentivizes businesses to reduce electrical usage.

This year, he said the company has achieved an energy savings of almost 1.1 million kWh, representing 12.2% of savings. On Friday morning, the business received an incentive check representative of the amount of energy saved in dollars: \$21,751.40.

Boydston said the amount of energy saved is equal to the removal of 769 metric tons of greenhouse gas emissions, or 134 single-family homes' energy usage for a year, according to epa.gov calculations.

Jeanette Staden, an OG&E account executive, said the CEI program is designed to work with large industries through CleaResults to promote energy efficiency and energy savings. Thirty-five entities are participating in the current foundational class, including Hiland.

Boydston, who has been manager for two years and with the company 15 years, said this is Hiland's third year to participate in the CEI program. The first two years are largely spent getting a baseline of energy usage, while the third year is the company's kickstart for energy-efficiency efforts.

Boydston provided data for energy use two years ago versus this year. This March, Hiland used 599,748 kWh, compared to 751,490 kWh in March 2017. This August, the company used 692,205 kWh, compared to 886,065 kWh in August 2017.

"Hiland had amazing savings. They did an excellent job," Staden said, adding that the company also did a great job at employ engagement.

Trey Parsons, CleaResults strategic energy management coach, said he works with clients like a true coach and helps them build energy teams and write energy charters. CleaResults also brings in engineering teams to do energy scans and present savings measures.

The company also works with stakeholders, introduces OG&E residential programs, engages employees and executives via energy teams and helps develop a culture of efficiency, helping his clients go deep into an efficiency rabbit hole, Parsons said.

In addition to business programs, OG&E offers a weatherization program open to residents who earn less than \$60,000 a year, and a Smart Hours program for residential and general service customers, Staden said. The Smart Hours program gives residents savings for using energy in low-peak hours between 2 and 7 p.m. OG&E also offers a home energy efficiency program through CleaResults that offers personal assessments, rebates and support for participants.

Boydston said CleaResults suggested behavioral modifications such as thermal and lighting controls and engineering controls such as reducing runtime on equipment through efficient measures. Last January, the company retrofitted its lighting system over to LED lights, at a cost of over \$110,000. However, Hiland received \$55,000 back through an OG&E grant.

Boydston said the company receives a 2 cent rebate for every kWh of energy saved.

Other changes included updating the thermostat system from standard mercury to programmable digital thermostats, changed parameters on their refrigeration system, decreasing and increasing some parameters to reduce energy use by their compressors and utilizing sunlight on bright days to harvest daylight and reduce usage of some lights, he said.

Hiland employees also formed an energy team, wrote an energy charter and started working together on ideas and ways to satisfy recommendations CleaResults made, Boydston said.

Additionally, Parsons suggested that Hiland employees dial in set points at exact numbers and set their manufactured process refrigeration at a more appropriate degree.

Also, energy team members were trained on how to use an ultrasonic leak detector tool to find leaks in hoses, which can cause higher energy use. The tool, which looks like a gun with a faucet aerator attached, heightens ultrasonic frequencies and scans machines while they are running to identify leaks, allowing leaks to be fixed sooner, Parsons said.

Boydston, Parsons and Staden said energy reduction from factories such as Hiland helps decrease demand and reduce energy consumption, leading to a decrease in energy demands from OG&E.

Parsons said electrical plants are at full capacity, and reducing energy helps OG&E avoid having to build new power plants, which promotes energy efficiency.

"We're trying to save the world," Parsons said.

Staden said energy efficiency programs keep electricity affordable to OG&E customers.

Parson said he is all extremely proud of the work the Hiland team has done this year.

"They have exceeded expectations for foundational participation," he said. "We look forward to even more savings [from them] in 2020."

Boydston said he recommends other businesses that are OG&E customers participate in the CEI program and said the return companies will receive from participating outweigh the often minimal expenses.

Boydston said Hiland is now at the equipment upgrade stage of energy efficiency efforts, which are included in their 2020 budget. One purchase is four variable frequency drives to add to their condenser motors to increase energy efficiency.

He said the company has been driven for sustainability through recycling and water conservation, and participation in the CEI program goes hand in hand with those efforts.

"It's another step in the direction for sustainability," he said.

For more information about OG&E's energy efficiency programs, visit oge.com.

Jamie Berry

Follow me @JamieStitches13

jberry@normantranscript.com



SPONSORED CONTENT

Ensuring a clean environment for all

By Theresa Davis / Journal Staff Writer

Sunday, December 15th, 2019 at 12:05am

Copyright © 2019 Albuquerque Journal



Jacqueline Shirley

Environmental contamination in New Mexico has long had disproportionate effects on low-income and minority communities. Fallout from nuclear weapons testing and uranium mining continues to harm the state's indigenous population. A recent University of New Mexico study showed a quarter of Navajo women tested had elevated levels of uranium in their blood.

Groundwater pollution from industrial sites in Albuquerque's South Valley was so prevalent that the Environmental Protection Agency labeled it a Superfund site in need of federal cleanup.

Albuquerque non-profit worker and indigenous Alaskan Jacqueline Shirley wants to ensure all New Mexicans have access to clean water and air and healthy land.

She is one of eight new members appointed to the EPA's National Environmental Justice Advisory Council.

"We need to ensure that when people say 'not in my backyard,' that whatever toxic activity is not being dumped somewhere else that could harm these disenfranchised communities, which may not feel like they have a voice," she said.

The environmental justice movement was started in the late 1960s by activists of color who saw inequity in how industry polluted air and water in their communities.

The council, established in 1993, supports "low-income, minority, indigenous, and disadvantaged communities that are more likely to live near or be disproportionately impacted by contaminated lands."

Shirley was raised in Alaska and first came to New Mexico in the 1980s to study environmental science at the Southwestern Indian Polytechnic Institute. After that, she worked in Farmington at a Navajo-owned environmental remediation law firm and attended classes at Fort Lewis College in Durango.

The former army medic and member of the national guard was an intern at Kirtland Air Force Base with the Department of Energy, where she consulted with tribes about the transport of spent fuel on tribal lands.

“People should be notified that these shipments are passing through their lands,” Shirley said. “We want the economic growth that can come from manufacturing, agriculture and our major laboratories, but it can’t be at the expense of harming communities.”

Shirley currently works at the Rural Community Assistance Corp. in Albuquerque, which focuses on small municipal water systems and developing rural economies. She said she is eager to commit her time and energy to protect natural resources for her fellow New Mexicans.

“This place has always been my second home,” Shirley said. “I love New Mexico, and I will fight for New Mexico.”

Theresa Davis is a Report for America corps member covering water and the environment for the Albuquerque Journal. Visit reportforamerica.org to learn about the effort to place journalists in local newsrooms around the country.

Contact the writer.

Support Local Journalism

AlbuquerqueJournal

Sunday Home Delivery + Unlimited Digital Access

\$ 12 /mo

- Access to the Albuquerque eJournal Print Replica
- Unlimited desktop + mobile access to ABQJournal.com
- Access Journal Rewards
- Includes EzPay

Subscribe

Other Offers

Already a subscriber? Sign In

®



CEO of mining company attends Pecos meeting

Representatives from the mining company hoping to drill prospecting holes near Pecos Wilderness meet community face to face

Frank Adelo, president of the Upper Pecos Watershed Association, left, asks New World Cobalt CEO Mike Haynes, right, to transfer mineral rights to UPWA as a tax deductible donation and leave the Pecos in peace | Leah Cantor

By Leah Cantor | 2 days ago

The mysterious Australian mining company that's pushing for permits to begin prospecting for precious metals in an area just outside the Pecos Wilderness has finally revealed its human face.

New World Cobalt CEO Mike Haynes, who lives in Australia, and Exploration Manager Patrick Siglin, who runs the company's American subsidiary Comexico and lives in Fort Collins, Colorado, made their first local appearance Thursday night at a meeting hosted by the Santa Fe Forest Service at the Pecos High School.

According to Siglin, the company is small and personal.

"I appreciate hearing the community's concerns," Haynes said. "We don't expect to contaminate anything with drilling 30 holes because we will do it to the best possible industry practice, and we will reclaim to the highest possible standards."

Despite traveling from far, far away to engage with locals face to face, the majority of Pecos residents were not convinced.

"I just want you to look at everyone in this room and just know that there are hundreds of people for every one of us, and we don't want you here," one man told the mining executives after asking them to stand and face the room.

But not everyone was there in opposition. Two individuals vocally supported the project, citing jobs as one benefit a new mine could bring to the area.

For the most part, though, locals demanded more detailed explanations and emphasized the project's potential to jeopardize fragile cultural and biological ecosystems.

Local farmer Ralph Vigil, an eighth-generation resident of the Pecos and the chairman of the New Mexico Acequia Council, said the Forest Service and the company have failed to include traditional Hispanic farming communities in their cultural impact studies, and stressed the dependence of traditional agriculture in the valley on the Pecos headwaters.

REPORTER

Q

"Without that watershed, this community and the rest of the communities are nothing," said Vigil. "The acequias are being ignored. Comexico, the acequias need to be dealt with and consulted."

Robert Mora, former governor of the Pueblo of Tesuque, said the Forest Service and the company have mislead tribal leaders about certain aspects to the proposal. "We are hearing a few things here that are different and were not presented to us, and to us, that is very backstabbing ... We asked for clarity, we asked for honesty, but we don't get it," he said. "The Pueblo of Tesuque stands opposed to this project."

Forest Service staff explained that the purpose of the current scoping process is to determine what level of environmental and cultural impact assessments and protections will be required under NEPA. Public comments, they said, play an important role in making these determinations.

Many residents pleaded with Forest Service staff to stop the project altogether, but Forest Supervisor James Melonas said his hands are tied by the General Mining Act of 1872 that mandates minerals on federal land be made accessible for extraction.

A representative speaking for US Rep. Ben Ray Lujan, D-NM, announced a new bill called the Hard Rock Mining Reclamation Act to amend these laws at federal level. The announcement was met with general applause.

Yet one young man, James Clarke, voiced a different perspective. "I'm excited about this project," he said. "I think it's important that when we are building solar panels ... and other technology ... that we don't do it with copper that is bloody."

Clarke pointed to thousands of mining deaths in other countries caused by unregulated conditions, adding, "I think we [should] do it with copper that was ethically and responsibly harvested and we can do that here and generate jobs here."

Another woman from the Pecos area, Lee Nielle Rivera, stated a similar opinion. "I've read statements of how many elements and minerals it takes to build one wind turbine ... People are asking that we have a clean environment, where in the world are we going to get all those minerals unless they're mined?"

Not in the Pecos, the crowd murmured in response.

The evening discussion highlighted difficult questions that circled the topic of environmental justice, a term used to describe the inequities with which environmentally damaging activities and pollution disproportionately impact rural communities, low-income communities and communities of color.

Nationally, this concept has entered the public discourse in recent years with issues such as the Dakota Access Pipeline, which was originally routed through a white suburban community around Bismarck, North Dakota, before being rerouted through land sacred to the Standing Rock Sioux Tribe and in close proximity to the tribe's drinking water supply.

In urban settings, African Americans are more likely to suffer from environmental and chemical hazards than any other racial demographic, a study conducted by the EPA's National Center for Environmental Assessment in 2018 found. In general, people of color are more likely to live near pollution sites and breathe toxic air, and over half of Americans who live near hazardous waste sites are people of color.

Poor rural white communities were also disproportionately impacted.

One could argue the entire history of resource extraction in New Mexico is a story of environmental injustice, often inflicted by people who came from afar.

Uranium mining has predominantly negatively impacted Native communities in the state, and the worst toxic spill in US history took place on the Navajo Nation in the 1970s. In Albuquerque, old Hispanic neighborhoods have suffered the worst lasting impacts of industrial superfund sites. Today, rural communities must deal with impacts of mining and oil drilling, while communities such as Santa Fe face relatively few immediate threats to public health due to environmental issues.

These dynamics are at play in the New World Cobalt proposal.

But comments made Thursday night also highlight how environmental justice plays out at the global scale. Countries such as the US export many of the environmental consequences of creating products such as smartphones and windmills to developing nations where labor is cheap and regulations are far more lenient.

Despite the assurances made by New World Cobalt CEO Mike Haynes, most often it is the people left behind, not CEOs, who pay the price. The Forest Service scoping process is one step in determining how rigorously Haynes will have to live up to his promise to leave the area intact if the proposal is approved.

The agency is accepting public comments through their website or by mail until January 17.

Support independent journalism by becoming a Friend of the Reporter.

Letters to the Editor

We also welcome you to follow SFR on social media (on Facebook, Instagram and Twitter) and comment there. You can also email specific staff members from our contact page.

RELATED STORIES



CEO of mining company attends Pecos meeting

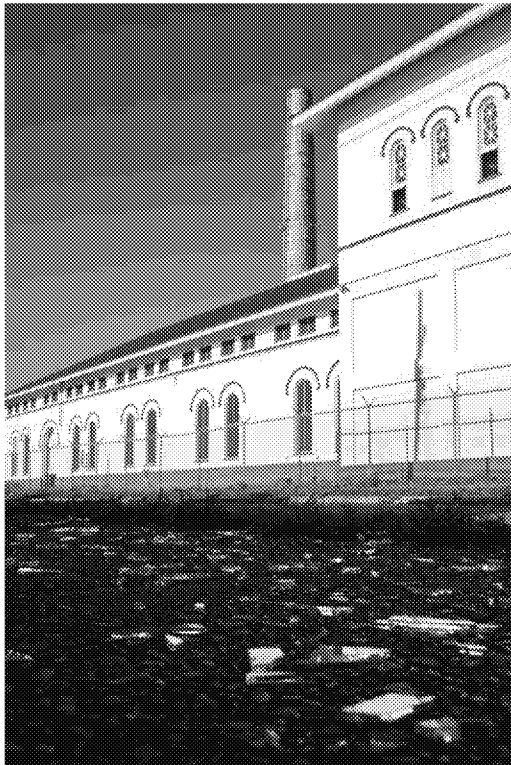


https://www.nola.com/news/article_77541ebe-1ed9-11ea-92c3-97d6aa342669.html

'The whole block shook': Explosion at S&WB power plant frightens neighbors, shuts down a turbine

BY KATY RECKDAHL | CONTRIBUTING WRITER PUBLISHED DEC 14, 2019 AT 8:30 PM | UPDATED DEC 15, 2019 AT 2:19 PM

1 of 11



Glass lays on the ground on Spruce street behind the Sewerage & Water Board's Carrollton water plant in New Orleans, Saturday, Dec. 14, 2019. Three workers were injured in the explosion that harmed two turbines.

Staff photo by SOPHIA GERMER

Buy Now

Dette LeBlanc, 61, was walking home when her block blew up. Or so she thought.

It came to her first as an unbelievably loud noise — “a big ol’ explosion.” Then she looked up and saw black smoke coming from the massive exhaust stack of Turbine No. 5 at the New Orleans Sewerage & Water Board’s power plant on South Claiborne Avenue.

The explosion occurred early Saturday afternoon within the chambers of Turbine No. 5, when workers attempted to turn it on after another turbine, Turbine No. 4, had malfunctioned in some way and had shut down as designed, said Ghassan Korban, executive director of the S&WB.

“We have declared a state of emergency,” Korban said. “We believe that Turbine No. 4 has minimal if any damage. With Turbine No. 5, we believe the damage is serious and will take awhile to bring (the turbine) online.”

Without the two turbines, which help to power the city’s stormwater drainage system as well as the water distribution system, the agency would be down 40 megawatts of power.

With its three remaining turbines, all still online, the agency can muster about 46 megawatts of power — just enough to handle a rainstorm, Korban said, during a late Saturday afternoon press conference at City Hall.

SUPPORT

01/14/2020
Windows 7
Windows Server 2008
Windows Server 2008 R2

10/13/2020
Windows 2010



“That’s without any redundancy. That’s very important,” said Mayor LaToya Cantrell.

The blast injured three S&WB workers who were on the site. Two were transported to University Medical Center and were in stable condition as of Saturday afternoon with what the S&WB said were minor injuries.

On top of the explosion, the agency was grappling with a water emergency on the West Bank, where a boil-water advisory was issued for all of Algiers after water pressure dropped below 20 pounds per square inch while crews were performing a test valve closure. The pressure drop was not related to the incident at the Carrollton water plant, officials said.

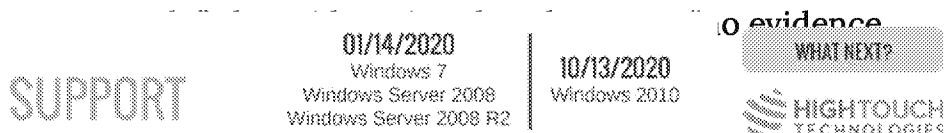
Residents of Algiers were advised to use bottled or boiled tap water to drink, cook, clean food or brush their teeth until further notice. Residents with compromised immune systems should also use safe water to wash hands, shower or bathe.

Customers in other areas of the city are not affected and do not need to boil their water.

The S&WB, in partnership with the Louisiana Department of Health, issues boil water advisories out of an abundance of caution for areas where water pressure drops below 20 psi, even briefly, because bacteria can get into the water.

The agency also was dealing with a broken water main in Uptown New Orleans. The break was reported on Zimpel Street around 1 p.m., an hour before the explosion at the water plant.

The mayor also gave an update Saturday about the cyber attack that hit the city’s computer systems on Friday. “We are



Though 911 and 311 systems were still working, as were police body cameras and fixed crime cameras, city employees were operating without email, and firefighters and other agencies were making reports on paper that will be uploaded once all of the city's 4,000 computers and 400 servers are scrubbed and back up and running.

"It's like we're rebuilding a new house," Cantrell said. "Building it stronger and more sustainable."

Chief Information Officer Kim LaGrue said that while the situation is still being investigated, "We expect that data loss has been very minimal."

Up on Spruce Street on Saturday evening, residents swept glass from sidewalks and tried to understand what had happened just before 2 p.m. The blast was so strong and loud that it could be heard and felt a mile or even two miles away. Windows blew out of nearby houses, and some residents reported acute ear pain.

"My whole body shook. The whole block shook," LeBlanc said. "My nerves got so bad. All I wanted to do was get back to my house."

A block away, in the 8600 block of Spruce, her husband Michael LeBlanc, 55, had been walking out their front door onto the porch but was blown back to the wall of the house by the force of the blast. "It sounded like Afghanistan," he said.

Next door, an elderly neighbor fell out of her bed, they said, and was taken to the emergency room by paramedics.

Dette LeBlanc's son Elton Freeman, 31, felt it too, while working at Lowe's on Jefferson Highway, three-quarters of a mile from the plant.

SUPPORT

01/14/2020
Windows 7
Windows Server 2008
Windows Server 2008 R2

10/13/2020
Windows 2010

WHAT NEXT?
HIGHTOUCH
TECHNOLOGIES

A few doors down on Spruce Street, Joyce Gabriel, 76, and Willard Anderson, 94, felt like their house had suffered a direct hit. “It went ‘Boom.’ And it was loud, loud,” Gabriel said. “Like it was a bomb.”

As the glass panes blew out of their front windows, Gabriel tried to get out the front door but fumbled with the doorknob. It seemed like an eternity until the door opened, she said. “I was so nervous. I thought it was a firebomb, thrown right at the house.”

Johnny Wilson, 75, sat on the fender of his car on Spruce Street suffering from an intense pain beneath his right ear. Paramedics had recommended that he go to the emergency room to get it checked out further, he said.

Everyone could see that the explosion was strong because of the way that the metal exhaust stack was leaning now, he said, pointing at the tall dark-metal smokestack that looked as if it had come from a giant’s erector set.

It wasn’t designed to have an erector-set look, he said. A few decades ago, when the S&WB first put the smokestack into place, its cylindrical metal body wasn’t visible because its outer frame had been enclosed with bricks, he said. Then, when the turbine’s switch was flipped on for the first time, all the bricks fell down, from the vibration, he believes.

Dette LeBlanc said that over the past few weeks, she had heard a different sound coming from the tall turbine — almost like air escaping, she said. A whoosh kind of sound. “It just didn’t sound normal,” she said.

Korban said officials are still working to understand what happened. His immediate priority was to bring one of the two silent turbines back online, he said. But he and his colleagues

SUPPORT

01/14/2020
Windows 7
Windows Server 2008
Windows Server 2008 R2

10/13/2020
Windows 2010

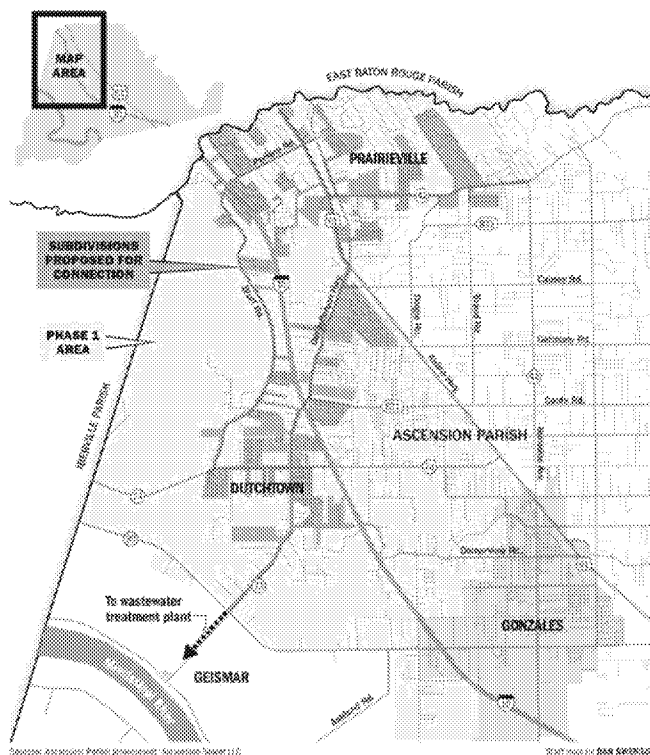
WHAT NEXT?
id. HIGHTOUCH
TECHNOLOGIES

https://www.theadvocate.com/baton_rouge/news/communities/ascension/article_c5193d66-1dc4-11ea-a350-87b078232a32.html

As council chair promises final vote on Ascension Sewer, squabbling emerges about negotiations

BY DAVID J. MITCHELL | STAFF WRITER PUBLISHED DEC 13, 2019 AT 3:30 PM | UPDATED DEC 14, 2019 AT 5:42 PM

1 of 4



A PLAN FOR REGIONAL SEWER IN ASCENSION: Ascension Parish government is considering a public-private partnership to bring regional sewer service to the parish. The first \$215 million phase of that plan would encompass Prairieville, Dutchtown, Geismar and areas outside Gonzales, starting with hooking up a number of subdivisions.

The Ascension Parish Council's leadership has finished negotiating a 30-year sewer concession and plans a binding vote Monday, over the objections of the incoming parish president who says council leaders backed out on their promise to let him work on the agreement.

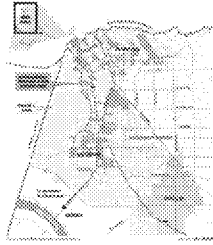
The deal with Ascension Sewer LLC would achieve a goal parish officials have sought for generations: consolidating community package plants under one regional system and pulling discharge waters from polluted ditches and bayous and sending them to the Mississippi River.

Rates would also rise for more than 19,000 parish government and private sewer customers, and incoming parish officials have aired worries about the deal's financial impact on parish government.

With the vote imminent, Ascension Parish President-elect Clint Cointment said Friday the Parish Council leadership "reneged" on allowing him time to negotiate and pulled the plug on talks Wednesday despite the strides being made.

Council Chairwoman Teri Casso said later on Friday that Cointment got the opportunity to provide input. But, she said, that ended Wednesday when it appeared he was unwilling to offer a concession on an important sticking point.

"We ended negotiations with him. His input was complete, and his position was clear, and that's when his input ended," she said. "Certainly, there were continued negotiations, which he was just not a part of."



RELATED

Delayed vote on Ascension Sewer deal signals possible compromise with Parish President-elect

The council leadership's negotiations continued through Thursday and a final draft of the deal, which Casso said includes some of Cointment's requested changes, was distributed Thursday night to the sitting Parish Council.

The incoming council and Cointment were sent copies on Friday morning, she said. Copies began circulating to the public late Friday morning.

Casso said Cointment's negotiations led to a better document, but she said he would not back down from his proposal that the parish administration be given the ability to back out of the deal up to six months after the agreement is signed.

"Mr. Cointment had unrealistic expectations of the contract. We had to negotiate in good faith to the extent that both parties were willing to move forward, and this is the final outcome. The council will vote on it," she said.

The council is scheduled to vote Monday night in Gonzales to approve the deal, transfer private sewer assets to the parish and set new sewer rates guaranteed as part of the agreement.

Outgoing Parish President Kenny Matassa's administration worked for months with the current council, which has six departing members, on a deal with Ascension Sewer.

Cointment and the new council members take office on Jan. 6 and will have to live with the agreement the outgoing council votes on Monday evening.

Ascension Sewer is proposing a 30-year concession to consolidate sewer service in the eastern portion of the parish. The \$215 million first phase of construction would unite 19,500 parish government and private sewer customers.

Rates would start at \$57.90 per month for residential customers and more for commercial customers, increasing by 4% per year for the first 10 years. The latest version of the deal allows rate negotiations at 5, 10 and 15 years for future expansion plans or to cover unforeseen construction costs over a certain threshold, legal changes or more expensive financing costs.

About 2,800 of the deal's private customers actually reside in East Baton Rouge, Livingston or Iberville parishes. They would have their rates set by the Ascension council and help defray the cost of the Ascension system, though only some might eventually be linked to the regional system, consortium officials have said.

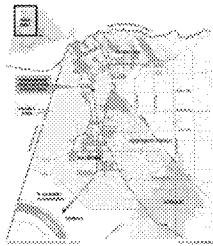
The state Public Service Commission must approve such a transfer of sewer assets. The city-parish government in East Baton Rouge Parish has asked for a say in that vote while it also seeks to negotiate an agreement for Ascension Wastewater customers in that parish, officials said.

The Ascension sewer system, which could ultimately serve 35,000 customers, is a consortium that includes Bernhard Capital Partners, a private equity fund headed by former Shaw Group top boss Jim Bernhard, and Ascension Wastewater Treatment, the largest private sewer provider in Ascension.

The deal would require financing and upfront cash from both the partnership and Ascension Parish taxpayers. The parish would have to put up \$15.8 million in upfront tax revenue, while the consortium would put up \$71 million in cash, a financial analysis says. Another \$129 million in public and private debt would be sought.

The deal would also involve Ascension Sewer's purchase of Ascension Wastewater's sewer assets for an undisclosed price not described in the draft deal nor by Ascension Sewer officials.

The sewer company would remain an equity partner in the deal and share in the expected rate of return of 8%. Ratepayers would pay back the costs and rate of return on investment.



RELATED

Advisers say Ascension Sewer deal's terms improving for ratepayers' benefit; work still unfinished

Cointment's announcement Friday is something of a twist, as his transition officials and Bernhard officials said earlier in the week that negotiations were going well and appeared headed for a vote Monday. In the statement Friday, Cointment credited Bernhard Capital for "being open and willing to negotiate."

"But for the life of me I can't understand why the current council has pulled the plug on continued negotiations," he added. "Furthermore, I find it confusing that after the 2016 flood, this same council took three years to correct the parish's fill ordinances, yet here they are trying to railroad a last-minute \$215 million dollar contract."

Cointment also asserted that two earlier versions of the deal on the parish website early Friday would "jeopardize the parish's financial stability" and said he could not support them, though he wasn't sure which the council would consider Monday.

His comments came before the latest version of the contract — the one Casso referenced — was posted online late Friday morning. A member of Cointment's transition team, Ruth Phillips, said he was reviewing the latest version.



RELATED

Ascension Prez-elect Clint Cointment's transition team dives into parish finances, plans report

Cointment said he's concerned about the speed with which the deal was being considered, the lack of public review of its fine details, the no-bid nature of the parish's decision to open negotiations with Ascension Sewer and the 25-month exclusive negotiating period the parish agreed to with the consortium.

"All of those items, I have to say, have a sense of concerns of being unethical," Cointment said.

EMAIL DAVID J. MITCHELL AT DMITCHELL@THEADVOCATE.COM

FOLLOW DAVID J. MITCHELL ON TWITTER, [@NEWSIEDAVE](https://twitter.com/NEWSIEDAVE).



Man questioned in connection with Houston mercury spills

Dangers from exposure to the spills were "low risk" because the mercury was spilled on the ground, would evaporate and is only dangerous if ingested or inhaled.



A man was taken into custody for questioning after a mercury spill in Houston, Texas. KPRC

Dec. 16, 2019, 8:45 AM CST

By Elisha Fieldstadt

A man was taken into custody for questioning in connection with mercury spills at three Houston businesses that led to one hospitalization, authorities said Monday.

The man has not been charged and is not being identified, according to Houston's FBI office.

A person called police at about 11:15 a.m. Sunday to report a white liquid on the ground, Houston Fire Chief Sam Pena said at a news conference Sunday night.

Less than a pint of mercury had been spilled outside a Walmart, a Sonic Drive-In and a Shell gas station, officials said. Investigators were working to determine whether the spills were intentional.

Investigators were also looking into reports that someone checked into a Houston-area hospital claiming to have been exposed to mercury on Friday.

Between 30 and 60 people at the locations were hosed down, and a pregnant woman was taken to the hospital as a precaution.

Pena said dangers from exposure to the spills were "low risk" because the mercury was spilled on the ground, would evaporate and is only dangerous if ingested or inhaled.

"The threat to the public is very low because the spill occurred outdoors and the amount of chemical spilled is small," Dr. David Persse, local health authority for the Houston Health Department, said in a statement. "The amount of chemical detected on those exposed is below the level that's dangerous to the average individual."

Mercury is liquid at room temperature, according to the Centers for Disease Control and Prevention.

High levels of mercury exposure can harm the brain, heart, kidneys, lungs, and immune system, and could affect the development of fetuses and young children, according to the Environmental Protection Agency. Symptoms of mercury exposure are headache, stuffy nose and nausea.

A private company was conducting cleanup at the three businesses.